

### REMARKS

In the Office Action, the Examiner has found Applicant's previously submitted arguments to traverse a restriction requirement unpersuasive. As a consequence, the Examiner has withdrawn claims 16, 19, 21 and 22 and these claims were not examined. Claims 16, 19, 21 and 22 are hereby cancelled without prejudice or disclaimer of subject matter. Also in the Office Action, the Examiner has advised Applicant of various informalities in the specification and in Fig. 3, and claims 21-24 have been objected to for being misnumbered. In addition, the drawings have been objected to as failing to comply with 37 CFR §1.83(a) for failing to show every feature of the invention specified in the claims.

Moreover, the Examiner has rejected claims 3, 4, 8 and 9 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Additionally, claims 1-15, 17, 18, 20, 23 and 24 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Also in the Office Action, the Examiner has rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Boles 2,877,833. Further, the Examiner has rejected claims 1-5, 7-9, 13, 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over various reference combinations. Importantly, claims 6, 10-12, 14-15, 17-18 and 20 have been objected to as being dependent upon a rejected base claim. The Examiner has indicated that these claims would be allowable if amended to overcome rejections under 35 U.S.C. § 112 and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Response to Office Action, the specification and Fig. 3 have been amended to correct obvious typographical errors and originally filed claims 21, 21, 22 and 23 have been renumbered 21-24. Also, with regard to the rejections under 35 U.S.C. § 112, first paragraph, claims 3, 4 and 9 have been cancelled and claim 8 has been amended to now depend from new independent claim 26. Additionally, claims 1, 13, 23 (renumbered) and 24 (renumbered) have been amended to overcome the rejections under 35 U.S.C. § 112, first paragraph.

Also in this Response, independent claim 1 has been amended to now include all of the limitations of the dependent claims 5 and 6 and dependent claims 5 and 6 have been cancelled. The Examiner has indicated that such a claim is allowable.

Additionally, new independent claim 25 has been added which includes all of the limitations of original independent claim 1 and dependent claims 2 and 10, and dependent claims 2 and 10 have been cancelled. The Examiner has indicated that such a claim is allowable. In a similar manner, new independent claim 26 has been added which includes all of the limitations of original independent claim 1 and dependent claims 2 and 11, and dependent claims 2 and 11 have been cancelled. The Examiner has indicated that such a claim is allowable.

Lastly, claims 2-6, 9-11, 16, both claims 19 as originally filed, and claims 21-22 are hereby cancelled without prejudice or disclaimer of subject matter, claims 7, 12-14, 17 and 24 (renumbered) have been amended to now depend from claim 25, and claims 8 and 18 have been amended to now depend from claim 26.

Amendments to the claims and the new claims have been presented herein to improve the readability of the claims and to point out the features which distinguish the present invention over the cited art. Also, these amendments have been made to more clearly define the structure and cooperation of structure for the present invention. Claims 1, 7, 8, 12-15, 17, 18, 20 and 23-26 remain pending.

#### Objections to the Drawings

In the Office Action, the drawings have been objected to because the reference character "42", as it appears in Figure 3, lacks an associated leader line to indicate what feature it is associated with. In response, Fig. 3 has been amended to show a leader line for reference character "42."

Also in the Office Action, the drawings have been objected to under 37 CFR §1.83(a). Specifically, the Examiner has indicated that the drawings must show every feature of the invention specified in the claims and that the means to bias the tether first end towards the rear of the chair (claims 3 and 4) must be shown or the feature(s) cancelled from the claim(s). In this Response to Office Action, claims 3 and 4 have been cancelled.

With the amendment to Fig. 3 and the cancellation of claims 3 and 4, Attorney for Applicant respectfully contends that the basis for objecting to the drawings has been overcome and the objections should be withdrawn.

### Objections to the Specification

In the Office Action, the Examiner has objected to the specification. Specifically, the Examiner has indicated that the term "Figurer" on page 16, line 7 is misspelled. In response to the Examiner's objection to the specification, the specification has been amended to now replace the term "Figurer" with the term "Figure" on page 16, line 7. With this amendment to the specification, Attorney for Applicant respectfully contends that the basis for objecting to the specification has been overcome and the objections should be withdrawn.

### Rejections under 35 U.S.C. § 112, First Paragraph

In the Office Action, claims 3, 4, 8 and 9 have been rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. Specifically, the Examiner has indicated that Applicant claims a "means to bias said tether first end towards said rear of said chair." The Examiner has stated that it is not clear from the disclosure what is the means, and that Applicant appears not to have set forth such a means. In response, claims 3, 4 and 9 have been cancelled, and claim 8 (which does not contain the offending term "means to bias") has been amended to now depend from independent claim 26.

With these amendments and claim cancellations, Attorney for Applicant respectfully contends that the basis for the rejection under 35 U.S.C. § 112, first paragraph has been overcome and should be withdrawn.

### Rejections under 35 U.S.C. § 112, Second Paragraph

In the Office Action, claims 1-15, 17, 18, 20, 23 and 24 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has cited specific defects in claims 1, 6, 10, 11, 13, 22, 23 and 24 and rejected claims 2-5, 9, 12, 14, 15, 17, 18 and 20 as being dependent either directly or indirectly from these claims (i.e. claims 1, 6, 10, 11, 13, 22, 23 or 24).

With regard to claim 1, the Examiner has indicated that it is unclear if “said first end” and “said second end” are intended to be the previously set forth “first distal end” and “second distal end.” In response, claim 1 has been amended to replace the term “first end” with the term “first distal end” and to replace the term “second end” with the term “second distal end”.

With regard to claim 6, the Examiner has indicated that it is unclear if Applicant intends to positively claim the plurality of chairs. In response, claim 1, which incorporates the limitations of claim 6, now recites “a plurality of chairs.”

With regard to claims 10 and 11, the Examiner has indicated that it is unclear whether “an elbow support” in claims 10 and 11 is intended to be the same as the elbow support set forth in claim 2, from which claims 10 and 11 depend. In response, claims 25 and 26 which incorporate the limitations of claim 10 and 11, respectively, now recite “said elbow support.”

With regard to claim 13, the Examiner has indicated that the term “said top surface” lacks proper antecedent basis. In response, claim 13 has been amended to

now depend from claim 25 which provides antecedent basis for the term "said top surface."

With regard to claim 22-24, the Examiner has indicated that it is unclear if "said first end" and "said second end" are intended to be the distal ends or the tether ends and that in claim 22 it is unclear what is represented by "said second." In response, claim 22 has been cancelled and claims 23 and 24 have been amended to replace the term "first end" with the term "first distal end" and to replace the term "second end" with the term "second distal end".

With these amendments, Attorney for Applicant respectfully contends that the basis for claim rejections under 35 U.S.C. § 112, second paragraph has been overcome and should be withdrawn.

#### Rejections under 35 U.S.C. § 102(b)

In the Office Action, the Examiner has rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Boles 2,877,833. Importantly, claims 6, 10-12, 14-15, 17-18 and 20 have been objected to as being dependent upon a rejected base claim. The Examiner has indicated that these claims would be allowable if amended to overcome rejections under 35 U.S.C. § 112 and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Response to Office Action, independent claim 1 has been amended to now include all of the limitations of the dependent claims 5 and 6. In addition, new independent claim 25 has been added which includes all of the limitations of original independent claim 1 and dependent claims 2 and 10, and new independent claim 26

has been added which includes all of the limitations of original independent claim 1 and dependent claims 2 and 11. The Examiner has indicated that these claims (i.e. claims 1, 25 and 26) are allowable.

Accordingly, Attorney for Applicant respectfully contends that independent claim 1, as amended, is not anticipated by Boles. For the reasons set forth above, Applicant believes that the basis for rejecting claim 1 under 35 U.S.C. § 102(b) has been overcome and the rejections should be withdrawn.

#### Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 2 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Boles (2,877,833) in view of Marino (4,751,923) and claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Boles (2,877,833) in view of Ruff (6,742,848). Also, claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Boles (2,877,833) in view of Marino (4,751,923), as applied to claim 2 above, and further in view of Ruff (6,742,848) and claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Boles (2,877,833) in view of Nunn et al. (2,758,769). In addition, claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Boles (2,877,833) in view of Marino (4,751,923), as applied to claim 2 above, and further in view of Nunn et al. (2,758,769) and claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Boles (2,877,833) in view of Ruff (6,742,848), as applied to claim 3 above, and further in view of Nunn et al. (2,758,769). Moreover, claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Boles (2,877,833) in view

of Marino (4,751,923) and Ruff (6,742,848), as applied to claim 4 above, and further in view of Nunn et al. (2,758,769) and claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Boles (2,877,833) in view of Giancaspro (6,361,478). Lastly, claim 24 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Boles (2,877,833) in view of Marino (4,751,923), as applied to claim 2 above, and further in view of Giancaspro (6,361,478).

As indicated above, claim 1 has been amended and new claims 25 and 26 added and now all currently pending independent claims (i.e. claims 1, 25 and 26) are directed toward subject matter that the Examiner has indicated is allowable.

In view of the arguments presented above for distinguishing independent claims 1, 25 and 26 of the present invention from the cited references, Attorney for Applicant respectfully contends that independent claims 1, 25 and 26 are now allowable. Accordingly, since rejected claims 7, 8, 12-15, 17, 18, 20, 23 and 24 respectively depend either directly or indirectly from independent claim 1, 25 or 26, these claims are also allowable. For the reasons set forth above, Applicant believes the basis for rejecting claims under 35 U.S.C. § 103(a) has been overcome and the rejections should be withdrawn.


The references cited by the Examiner, but not relied on for the rejection of claims, have been noted.



In conclusion, Applicant respectfully asserts that claims 1, 7, 8, 12-15, 17, 18, 20 and 23-26 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 2<sup>nd</sup> day of November, 2004.

Respectfully submitted,

  
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In the Drawings:

The attached sheet of drawings includes changes to Fig. 3. This sheet, which includes Figs. 3, 4 and 5, replaces the original sheet including Figs. 3, 4 and 5. Fig. 3 has been amended to show a leader line for reference character "42."

Attachment: Replacement Sheet